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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,253	01/26/2004	Tomohiro Shinoda	136010	8016
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EXAMINER				
PINHEIRO, JASON PAUL				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/763,253

**Applicant(s)**

SHINODA, TOMOHIRO

**Examiner**

JASON PINHEIRO

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. After the amendment filed on 04/25/2008, Claims 1, 7 and 14 were amended and claims 15-16 were newly added. As a result claims 1-16 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, and 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (GB 2334456) in view of Grand Theft Auto 3 (herein referred to as 'GTA3')

Regarding claims 1, 7, and 14: Stamper '456 discloses a gaming machine whose actions are directly controlled by a controller (Pg. 7, Line 4) (Fig. 5); the gaming machine having a main data carrier (Fig. 1) which stores main data including a capacity value of the main character (Pg. 9, Lines 1-22) and a sub data carrier (Fig. 6b) which stores sub data including a capacity value of the sub character (Pg. 9, Lines 1-22); the gaming machine comprising: the controller which controls the actions of the main character (Pg. 7, Lines 4-8); a main data reading device which reads the main data from the main data carrier, when the main data carrier is located in or near the main data reading device (Pg. 6, Lines 18-21); a sub data reading device which reads the sub data from the sub data

carrier when the sub data carrier is located in or near the sub data reading device, wherein the main data carrier and the sub data carrier are separate from each other and the gaming machine (Pg. 6, Lines 18-21) (Fig. 5); a game controlling device which proceeds with the game, at least according to the main data read by the main data reading device and a control signal from a controller (Pg. 6, Line 22 – Pg. 7, Line 14). However, Stamper does not disclose that the sub character's actions are dependent on the main character; or an inviting device which determines according to the capacity value of the main character and the capacity value of the sub character read by the sub data reading device whether to make the sub character appear in the game or not during the game and making the sub character appear in the game according to a result of the determination.

GTA3 is a game which was developed by DMA Design (Now Rockstar North) and released by Capcom and Rockstar Games in October of 2001. GTA3 discloses that a sub character appears when the capacity value of the main character and the sub character reaches a predetermined level (Various law enforcement appear as the main character gets a higher "Wanted Rating", between 1 and 6 stars) (GTA3, Section I.16).

Therefore it would have been obvious to one skilled in the art to include the teachings of GTA3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18)

Regarding claim 2: Stamper discloses that which is discussed above. However Stamper does not disclose that the inviting device makes the sub character appear in the game when the capacity value of the main character exceeds a specific value determined according to the capacity value of the sub character read by the sub data-reading device.

GTA3 discloses that the main character must have 1 Wanted Star Rating in order to have the sub character appear (GTA3, Section I.16).

Therefore it would have been obvious to one skilled in the art to include the teachings of GTA3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18).

Regarding claim 3: Stamper discloses that which is discussed above. However Stamper does not disclose that a capacity value reducing device which reduces the capacity value of the main character when the inviting device makes the sub character appear in the game.

GTA3 discloses that Wanted Rating of the main character can be reduced once the sub characters appear (GTA3, Section I.16).

Therefore it would have been obvious to one skilled in the art to include the teachings of GTA3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18).

Regarding claim 4: Stamper discloses that which is discussed above. Stamper further discloses that the main data carrier is an action figure simulating an appearance of the main character (Pg. 5, Line 21 – Pg. 6, Line 3).

Regarding claim 5: Stamper discloses that which is discussed above. Stamper further discloses that the sub data carrier is depicted with an appearance of the sub character (Pg. 4, Lines 21-24). Although Stamper does not disclose that the data carrier is in the shape of a ball, Stamper does disclose that the data carrier can be of any shape (Pg. 7, Lines 19-21) and it would have been an obvious modification to one skilled in the art to modify the shape of the data carrier to be a ball in order to make a more attractive and intriguing game for players to play.

Regarding claim 10: Regarding claim 4: Stamper discloses that which is discussed above. Stamper further discloses a data carrier table which mounts the main and sub data carriers (Pg. 6, Lines 3-8)(Fig. 2).

Regarding claims 11 and 12: Stamper discloses that which is discussed above. Stamper further discloses a reader/writer which reads the data stored in the data carrier and writes the data into the main data carrier (Pg. 11, Lines 4-5, Pg. 4, Lines 1-9).

Regarding claim 13: Stamper discloses that which is discussed above. However Stamper does not disclose that the capacity values of the main and sub characters comprise at least one of physical, offensive, and magical power values.

GTA3 discloses the capacity values of the main and sub characters comprise at least one of physical, offensive (Wanted Rating increases as the main character physical and offensive actions), and magical power values.

Therefore it would have been obvious to one skilled in the art to include the teachings of GTA3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18).

4. Claims 6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (GB 2334456) in view of Grand Theft Auto 3 (GTA3) as applied to claim 1 above, and further in view of Takahiro et al (JP 2002-325970).

Regarding claim 6: Stamper and GTA3 disclose that which is discussed above. However neither Stamper nor GTA3 disclose that a transponder of a radio frequency identification (RFID) system is utilized as at least one of the main and sub data carriers.

Takahiro does disclose that a transponder of a radio frequency identification (RFID) system is utilized as at least one of the main and sub data carriers. (Abstract).

Therefore it would have been obvious to one skilled in the art to include the teachings of Takahiro into the combined teachings of Stamper and GTA3 in order to help create a smoother and enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18).

Regarding claim 8: Regarding claim 6: Stamper and GTA3 disclose that which is discussed above. However neither Stamper nor GTA3 disclose a display device which displays at least one of an image related to the game and a state of proceeding with the gaming machine.

Takahiro does disclose a display device which displays at least one of an image related to the game and a state of proceeding with the gaming machine (Paragraph [0016])(Drawing 1).

Therefore it would have been obvious to one skilled in the art to include the teachings of Takahiro into the combined teachings of Stamper and GTA3 in order to allow the player to display the game and therefore create a more enjoyable game for players to play (Stamper, Pg. 2, Lines 2-6, Pg. 3, Lines 1-18).

Regarding claim 9: Regarding claim 6: Stamper and GTA3 disclose that which is discussed above. GTA3 further discloses that a representation image concerning the sub character is displayed on the display device according to emergence of the sub character in the game caused by the inviting device (Various law enforcement appear on screen when the main characters Wanted Rating increases) (GTA3, Section I.16).

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON PINHEIRO whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/J. P./  
Examiner, Art Unit 3714